

Dow AgroSciences LLC
9330 Zionsville Road
Indianapolis, IN 46268-1054

January 15, 2003



Biopesticides and Pollution Prevention Division
Document Processing Desk (7504C)
Office of Pesticide Programs
U.S. Environmental Protection Agency
Room 266A, Crystal Mall 2
1921 Jefferson Davis Highway
Arlington, Virginia 22202

REQUEST TO AMEND EXPERIMENTAL USE PERMIT 68467-EUP-I
CRY34/35Ab1 INSECTICIDAL CRYSTAL PROTEIN AS EXPRESSED IN MAIZE
REVISED SECTION G

Dear Mr. Mendelsohn:

On October 17, 2002, Mycogen Seeds c/o Dow AgroSciences LLC submitted a new application for an Experimental Use Permit to field test the plant incorporated protectant Cry34/35Ab1 Insecticidal Crystal Protein as Expressed in Maize. We are now submitting a revised Section G for this EUP in which additional events for this construct have been added.

Please find enclosed the following documents:

- Transmittal document (this letter)
- Revised Application for Experimental Use Permit to Ship and Use a Pesticide for Experimental Purposes Only, EPA Form 8570-17 (OPP No. 202667)
- Revised label coded "Mycogen Brand Cry 34/35 Ab1 Construct 17662 Corn/Draft/10-17-02"
- Revised Section G dated January 15, 2003 (3 copies)

Please note that we are identifying the confidentiality classification for the proposed labeling as 'C'. The Proposed Experimental Program document has the confidentiality classification of 'A', except for the confidential appendix which is classified as 'C'.

Under this EUP, Mycogen Seeds would like to proceed with research that will characterize maize lines expressing the Cry34/35Ab1 insecticidal crystal protein. Some of these research activities will require that maize lines be open pollinated. Therefore, we request non-crop destruct status for this EUP.

If you require further information, please contact me at (317)-337-3977 or Jill Achor, Registration Assistant at (317) 337-4660.

Regards,

A handwritten signature in cursive script that reads "Penny L. Hunst".

Penny L. Hunst, Ph.D.
Regulatory Manager - Biotech
Regulatory Success - Americas

PLH/jea
Enclosures



United States
ENVIRONMENTAL PROTECTION AGENCY
Washington, DC 20460

OPP Identifier Number

202692

Office of Pesticides Programs (7505C)

**Application for Experimental Use Permit to Ship and
 Use a Pesticide for Experimental Purposes Only**

1. Type of Application

New



Amendment (See No. 2)



Extension (Give Permit Number below)

Permit Number

2. Briefly explain (Attach a separate sheet if necessary)

1. Amend request for new EUP for B.t. Cry34/35 Ab1 construct PHP17658 insecticidal crystal protein derived from *Bacillus thuringiensis*, to submit revised Section G.

2. Request for non-crop destruct status.

3. Name and Address of Firm/Person to Whom the Experimental Use Permit is to be Issued (Include Zip Code) (Type or Print)

Mycogen Seeds c/o Dow AgroSciences LLC
 9330 Zionsville Road
 Indianapolis, IN 46268

4. Name and Address of Shipper only if shipment is intended or if different from applicant's name and address (include Zip Code) (Type or Print)EPA Company Number 68467**5. Name of Product**

Mycogen Brand B.t. Cry 34/35Ab1 Construct PHP17658
 Corn

6. Is Product Registered with EPA?

No



Yes (Give Registration Number or File Symbol below)

Registration Number _____

File Symbol _____

7. Total Quantity of Product Proposed for Shipment/Use

Pounds of formulated product _____

8. Acreage or Area to be Treated

393.5

9. Proposed Period of Shipment/Use

March, 2003 - March 31, 2004

Pounds of active ingredient Cry34Ab1 0.213; Cry35Ab1 0.111**10. Places from which Shipped**

Any Mycogen Seeds or Dow AgroSciences LLC seed
 facility in the U.S.

11. Crop/Site to be Treated

Maize

12. Specify the name and number of the contact person most familiar with this application.

Penny L. Hunst 317-337-3977

13. Signature of Applicant or Authorized Firm Representative
14. Title

Regulatory Manager

15. Date Signed

01-15-03

Certification

This is to certify that food or feed derived from the experimental program will not be used or offered for consumption or sale for consumption, except by laboratory or experimental animals, if illegal residues are present in or on such food or feed.

I certify that the statements I have made on this form and all attachments thereto are true, accurate, and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both, under applicable law

Below for EPA Use Only

In any correspondence on this application, refer to this number

Received by:
EPA-OPP Registration Division,
Washington, DC 20460

Normal review time indicates that processing of this application should be completed by (date)

Name of EPA Contact Person

Telephone Number